

PETITIONER OR ATTORNEY DEPARTMENT OF CHILDREN AND FAMILY SERVICES Lancaster DCFS Office 300 E. Avenue K6 Lancaster, CA 93535 CSW Susan Johnson		PHONE: (661) 471-1001	CONFORMED COPY ORIGINAL FILED Superior Court of California County of Los Angeles MAY 15 2019 Sherri R. Carter, Executive Officer/Clerk By Joseph Weissburg, Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
CHILD'S NAME(S) Noah Cuatro	DOB: 8/20/14		
MOTHER'S NAME Ursula Juarez	FATHER'S NAME Jose Cuatro	LEGAL GUARDIAN'S NAME	
APPLICATION AND DECLARATION IN SUPPORT OF: <input checked="" type="checkbox"/> AUTHORIZATION FOR REMOVAL <input type="checkbox"/> MEDICAL/SEXUAL ABUSE EXAMINATION <input checked="" type="checkbox"/> ORDER AUTHORIZING ENTRY INTO HOME FOR REMOVAL PURPOSES <input type="checkbox"/> NIGHT SERVICE OF AUTHORIZATION FOR REMOVAL PURPOSES			APPLICATION NO.: RO 29330 CASE NO (if applicable): DK06992B DEPT. NO.: 426 Open case; notice given.

APPLICATION AND DECLARATION

FOUNDATIONAL INFORMATION

Petitioner, CSW Susan Johnson declares as follows:
 (Print Name)

PETITIONER'S PROFESSIONAL QUALIFICATIONS

I am employed by the Los Angeles Department of Children and Family Services. By virtue of my education, training and experience I am qualified, authorized and currently assigned to conduct child abuse and neglect investigations. I am currently assigned to investigate the case involving the child named above. I make this declaration in support of an application for:

- ☒ An authorization for removal (pursuant to Welf. & Inst. Code § 340, subd. (b), Wallis v. Spencer and its progeny)
- ☐ An order for a medical and/or sexual abuse examination of the child under Welf. & Inst. Code § 324.5
- ☒ An order authorizing entry into the residence in which the child is located for removal/detention of the child

CHILD'S LOCATION

The child, as is stated in the supporting affidavit, is currently located at:

Said location is the:

- ☒ Residence of parent and/or guardian
☐ Residence of non-parent/non-guardian
☐ Other:

CHILD'S DESCRIPTION

4-year old Hispanic male, brown hair.

CHILD'S LEGAL STATUS

- (a) ☐ The child is not a dependent. However, one of the following has occurred:
- (i) ☐ A verified original Welf. & Inst. Code § 300 petition may be filed, alleging that the child named above is a person described in Welf. & Inst. Code § 300; or
 - (ii) ☐ On _____, the court conducted an initial petition hearing pursuant to Welf. & Inst. Code § 319 and set the matter for further hearing; or
 - (iii) ☐ On _____, the child was found to be a person described in Welf. & Inst. Code § 300 and the matter was continued for a dispositional hearing.
- (b) ☒ The child named above was declared a dependent child of the Juvenile Court on or about 6/1/17. A verified ☒ § 387 supplemental petition, ☐ § 388 petition, or ☒ § 342 subsequent petition dated _____ has been filed in Juvenile Court, or will be filed, requesting a removal from the parent(s) or legal guardian.
- (c) ☒ The child named above was declared a dependent child of the Juvenile Court on or about 6/1/17, and was ordered suitably placed in the home of ☒ a ☐ relative parent
- ☐ non-relative extended family member ☐ foster home ☐ group home.

ORDERS REQUESTED

1. ☒ REQUEST FOR AUTHORIZATION FOR REMOVAL

Based on my investigation and the facts alleged in the attached ☒ declaration, ☐ DCFS report, ☐ verified juvenile court petition, it is my professional opinion that the child should be detained from his/her ☒ mother, ☒ father, ☐ legal guardian, and temporary placement and care of the child should be vested with DCFS under Welf. & Inst. Code § 300 pending a Welf. & Inst. Code § 319 hearing because there is probable cause to believe there is a substantial danger to the safety or to the physical or emotional health of the child, and that continuance in the home of the parent(s) and/or legal guardian, is contrary to the child's welfare, due to one or more of the following:

- (a) ☐ The child requires medical care and there are no reasonable means by which the child can be protected without temporary removal from the physical custody of the parents or guardians.
- (b) ☐ The child is in danger of physical or sexual abuse and there are no reasonable means by which the child can be protected without temporary removal from the physical custody of the parents or guardians.
- (c) ☒ The child's physical environment poses a threat to the child's health or safety and there are no reasonable means by which the child can be protected without temporary removal from the physical custody of the parents or guardians.
- (d) ☐ The child is suffering severe emotional damage and there are no reasonable means by which the child can be protected without temporary removal from the physical custody of the parents or guardians.
- (e) ☐ The child has no parent, guardian, or relative willing to provide care for the child.
- (f) ☒ See additional information supporting the need for protective custody described in the attached declaration, report and/or petition.

2. ☐ REQUEST FOR MEDICAL AND/OR SEXUAL ABUSE EXAMINATION

Medical and/or Sexual Abuse Examination Pursuant to Welf. & Inst. Code § 324.5 and/or Penal Code § 13823.11:

Based on my investigation and the facts alleged in the attached declaration and any additional attached information, it is my professional opinion that there is probable cause to believe that the child is a person described in Welfare and Institutions Code § 300 and that an investigatory exam under Welf. & Inst. Code § 324.5 is required by a medical practitioner who has specialized training in diagnosing and treating child abuse and neglect to determine whether the child has been abused or neglected.

- | | | |
|---------------------------------|---------------------------------|---|
| <input type="checkbox"/> Mother | <input type="checkbox"/> Father | <input type="checkbox"/> Legal Guardian will be notified of the exam. |
| <input type="checkbox"/> Mother | <input type="checkbox"/> Father | <input type="checkbox"/> Legal Guardian will be notified and invited to be present for the exam. |
| <input type="checkbox"/> Mother | <input type="checkbox"/> Father | <input type="checkbox"/> Legal Guardian should be on premises but not in the exam room. |
| <input type="checkbox"/> Mother | <input type="checkbox"/> Father | <input type="checkbox"/> Legal Guardian should not be on the premises or have any contact with the child during the exam. |

3. ☒ **REQUEST FOR ORDER AUTHORIZING ENTRY INTO HOME WHERE CHILD IS LOCATED**

Based on my investigation and the facts set forth in the attached ☒ declaration, ☐ DCFS report, ☐ verified juvenile court petition, ☒ additional information attached, it is my professional opinion that there is probable cause to believe that the child is a person described in Welf. & Inst. Code § 300, the child will be found inside the location stated below when this authorization for removal order is executed, and that entry into the home by DCFS and/or law enforcement investigators is necessary so long as it complies with Penal Code §§ 844 and/or 1531.

— Current location(s) of child:

☐ **NIGHT SERVICE (10 p.m. – 7 a.m.) – Good Cause**

Based on my investigation and the facts set forth in the attached ☐ declaration, ☐ DCFS report,


☐ verified juvenile court petition, ☐ additional information attached, it is my professional opinion that there is good cause to authorize service of this authorization for removal order at any hour of the day or night.

VERIFICATION

I declare under penalty of perjury that the foregoing, including any attachment, is true and correct to the best of my knowledge and belief. Signed on May 15, 2019
at Lancaster, CA 93535

CSW Susan Johnson

Social Worker Name (Print)



Social Worker Signature

5-15-19

Date

Child's Name and Description:

Noah Cuatro, **DOB:** 8/20/14, 4-year old Hispanic male, brown hair.

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FINDINGS AND ORDERS

The Court has read and considered the application and the supporting ☒ declaration of the social worker, ☐ DCFS report, ☐ verified juvenile court petition, ☒ additional attached information presented to the Court by the social worker in this matter, and the Court makes the following findings and orders based on the information contained therein:

FINDINGS: (If denying request(s), proceed directly to page 9)**(1) ☒ AUTHORIZATION FOR REMOVAL**

There is probable cause to believe that the child is a person described in Welf. & Inst. Code § 300; and there is probable cause to detain the child from his/her ☒ mother, ☒ father, ☐ legal guardian and temporarily place care of the child with DCFS pending the Welf. & Inst. Code § 319 hearing because there is probable cause to believe there is a substantial danger to the safety or to the physical or emotional health of the child, and that continuance in the home of the parent(s) and/or legal guardian, is contrary to the child's welfare, due to one or more of the following:

The child requires immediate medical care.

The child is in danger of physical or sexual abuse.

The child's physical environment poses a threat to the child's health or safety.

The child is suffering severe emotional damage.

The child has no parent, guardian, or relative willing to provide care for the child.

Also, there is probable cause to support the finding that there are no reasonable means to protect the child's safety or physical health without temporary removal from the physical custody of the parents or guardians pending the Welf. & Inst. Code § 319 hearing. Therefore, a protective custody warrant should issue for the child pursuant to Welf. & Inst. Code § 340, subd. (b).

- (2) ☒ **MEDICAL AND/OR SEXUAL ABUSE EXAMINATION PURSUANT TO WELF. & INST. CODE § 324.5 and/or PENAL CODE § 13823.11:**

The child requires a medical exam by a licensed medical practitioner who has specialized training in diagnosing and treating child abuse and neglect in order to determine whether the child has been abused or neglected.

- (3) ☒ **ENTRY INTO THE HOME WHERE THE CHILD IS LOCATED**

There is probable cause to believe that the child is a person described in Welf. & Inst. Code § 300, the child will be found inside the location stated below when this authorization for removal order is executed, and that entry into the location(s) by DFCS and/or law enforcement investigators is necessary so long as it complies with Penal Code §§ 844 and/or 1531, such that entry into the child's home by DFCS and/or law enforcement investigators is required in order for DFCS and/or law enforcement investigators to remove and/or interview the child.

The child is currently believed to be located at the following address(es):

[REDACTED ADDRESS]

☐ **NIGHT SERVICE (10 p.m. - 7 a.m.) – Good Cause:** Good cause for night service of this authorization for removal has been established in the supporting affidavit.

ORDERS:

(1) ☒ **ORDERS AUTHORIZING REMOVAL:**

A protective custody warrant is issued for the child named above pursuant to Welf. & Inst. Code § 340, subd. (b). DCFS is authorized to remove the child named above and the child shall be detained from his/her ☒ mother, ☒ father, ☐ legal guardian, pending the Welf. & Inst. Code § 319 hearing, unless upon further investigation mandated pursuant to Welf. & Inst. Code § 340, subd. (c), DCFS determines that services could be put in place to maintain the child's safety in his/her home pending the Welf. & Inst. Code § 319 hearing. If services can not be put in place to maintain the child's safety in his/her home pending the Welf. & Inst. Code § 319 hearing, then continuance in the home is contrary to the child's welfare as probably cause has been presented showing there is a substantial danger to the safety or to the physical or emotional health of the child and there are no reasonable means to protect the child's safety or physical health without removal.

(2) ☒ **ORDERS AUTHORIZING MEDICAL AND/OR SEXUAL ABUSE EXAMINATION PURSUANT TO WELF. & INST. CODE § 324.5 AND/OR PENAL CODE § 13823.11:**

Petitioner is authorized to obtain a medical exam for the child by a licensed medical practitioner who has specialized training in diagnosing and treating child abuse and neglect in order to determine whether the child has been abused or neglected. The exam shall be conducted within 72 hours of this order unless the child requires protective custody, in which case the exam shall be conducted within 72 hours of protective custody.

- ☐ Mother ☐ Father ☐ Legal Guardian is/are to be notified.
☐ Mother ☐ Father ☐ Legal Guardian is/are to be notified and invited to be present for the exam.
☐ Mother ☐ Father ☐ Legal Guardian is/are allowed to be on the premises but not in the exam room.
☐ Mother ☐ Father ☐ Legal Guardian is/are not to be on the premises or have any contact with the child during the exam.

(3) ☒ **ORDERS AUTHORIZING ENTRY INTO CHILD'S LOCATION:**

Petitioner's agency and/or law enforcement are authorized to enter the child's location pursuant to Penal Code §§ 844 and/or 1531 in order to serve the authorization to remove the child, take the child into protective custody, and deliver the child to the appropriate Los Angeles County child welfare agency representative. The child is currently believed to be located at the following address(es):

- ☐ **YES: NIGHT SERVICE (10 p.m. – 7 a.m.):** Good cause for night service of this authorization for removal having been established in the supporting affidavit, this authorization for removal may be executed at any hour of the day or night.

- ☐ REQUEST DENIED
☐ AS TO MOTHER
☐ AS TO FATHER

The court denies the application for the reasons listed below:

- ☐ Allegations are vague as to time
☐ No information on efforts to locate ☐ mother, ☐ father
☐ Not signed
☐ Illegible
☐ Inadequate showing of no reasonable means to protect without removal
☐ Facts as stated insufficient to support removal order
☐ Other

STEVEN E. IPSOM

Referee/Commissioner of the Superior Court

Date

Judge of the Superior Court

Date

ORDER GOOD FOR TEN (10) DAYS FROM DATE OF ORIGINAL SIGNATURE.

